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Letter from the Secretary of the Interior, to the Chairman of the Senate Committee on Indian Affairs, relative to Senate bill no. 680, for the relief of certain persons of African descent resident in the Choctaw and Chickasaw Nations.

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LETTER
FROM THE
SECRETARY OF THE INTERIOR,
TO THE
CHAIRMAN OF THE SENATE COMMITTEE ON INDIAN AFFAIRS,
RELATIVE TO

*Senate bill No. 680, for the relief of certain persons of African descent
resident in the Choctaw and Chickasaw Nations.*

JUNE 2, 1874.—Ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., May 2, 1874.

SIR: I have examined Senate bill No. 680, for the relief of certain persons of African descent resident in the Choctaw and Chickasaw Nations on the 28th day of April, 1866, which you have been pleased to forward to me, with a remonstrance of the Choctaw delegates against the passage of said bill.

The present condition of the persons of African descent resident among the Choctaw and Chickasaw Nations on the 10th of September, 1865, should be thoroughly understood in order to judge of the propriety of passing the bill, and in order to appreciate the force of the objections made against its passage by the remonstrance.

I proceed to state the condition of these people at the date aforesaid.

By the treaty of April 28, 1866, between the United States and the Choctaw and Chickasaw Indians, it was provided that slavery should cease in said nations, and that said Indians should cede to the United States certain territory west of the 98th degree west longitude, known as the leased district, and in consideration thereof the United States should pay the sum of \$300,000, to be invested in United States 5 per cent. bonds until the legislatures of the Choctaw and Chickasaw Nations should make such laws, rules and regulations as might be necessary to give all persons of African descent resident therein on the 10th of September, 1865, and their descendants, theretofore held in slavery, all the rights, privileges, and immunities, including the right of suffrage, of the citizens of said nations, except in the money annuities and in the public domain belonging to said nations. Said nations were also to give each of said persons of African descent and their descendants forty acres of land on the same terms as the citizen Choctaws and Chickasaws held the same. It was further provided that said persons of African descent who, within ninety days after the passage of

such laws, rules, and regulations, should elect to remove from said nations, should have \$100 each out of the \$300,000 before mentioned, and that the balance should be paid to the Choctaw and Chickasaw Nations in the proportions mentioned in the treaty. It was further provided that if such laws and regulations should not be enacted by the legislatures of said nations, respectively, within two years from the ratification of the treaty aforesaid, then the said sum of \$300,000 should cease to be held in trust for the said Choctaw and Chickasaw Nations, and should thereafter be held in trust for the use and benefit of said persons of African descent, the United States agreeing within ninety days from the expiration of said two years to remove said persons of African descent from said nations as far as they were willing to be removed.

Now for the facts. Neither the Choctaw nor the Chickasaw Nation has secured to said persons of African descent the rights, privileges, and immunities, including the right of suffrage, provided for in the treaty. The United States has not removed any of the said persons of African descent, because such persons are so identified by marriage and custom with said nations as to be unwilling to break up their homes and go elsewhere.

The \$300,000 has not been invested nor paid to the Choctaw and Chickasaw Nations; and the said persons of African descent, who are the most industrious and useful portion of the population of each nation, are without the rights, privileges, and immunities of citizens, without the right of suffrage, without land, and without money, and with a disinclination, under all these painful embarrassments, to leave their homes, friends, and relatives, and go elsewhere, for the pitiful sum of \$100 *per capita*. They are as meritorious, to say the least, as the average Choctaw and Chickasaw population. They have probably done as much toward securing the wealth possessed by said nations *per capita* as the average Choctaw and Chickasaw population. Under these circumstances their condition is not simply anomalous; it is unjustifiable, oppressive, and wrong, and ought to be remedied.

Now for the provisions of the bill. It provides that the persons of African descent before alluded to shall have all the rights, privileges, and immunities, including the right of suffrage, of citizens of said nations, respectively, and in the annuities, moneys, and public domain claimed by or belonging to said nations, respectively. Is this wrong? The Choctaw and Chickasaw Nations are under treaty obligations to secure to these people the rights, privileges, and immunities of citizens, including the right of suffrage. They ought to have done so long since. Their failure to do so is a great wrong and a great injustice, which should be speedily corrected.

But ought these people to have an equal right in the annuities and public domain of the Choctaw and Chickasaw Nations? Let us see. The present annuity-fund of these nations amounts to about one hundred dollars *per capita*. The United States, by the treaty aforesaid, secured to these persons of African descent, under certain conditions, one hundred dollars *per capita*, and this is about what the three hundred thousand dollars amounts to.

By the second section of the bill objected to, this three hundred thousand dollars is to be invested and paid in trust for the use and benefit of the Choctaw and Chickasaw Nations, so that these persons of African descent will bring to the trust-fund of said nations a sum *per capita* equal to the amount *per capita* of the present annuity trust-fund of these nations.

This, it seems to me, answers satisfactorily the objection to this bill.

so far as it relates to the rights of the Africans in the annuity-funds of the Choctaw and Chickasaw Nations.

But the bill also gives to these Africans an equal right in the public domain claimed by said nations. Is this wrong? Lands are not held in severalty by these nations, they are held in *common*. The treaty contemplated making the Africans citizens, with equal rights and privileges with the Choctaws and Chickasaws, and upon this principle, in justice and equity the common property of the nation should belong as much to the Africans made citizens as to the native-born citizens of said nations.

The argument against this provision, drawn from a pretended analogy between this case and the case of the liberated slaves of the United States, does not rest upon a solid foundation. The liberated slaves of the United States did not become entitled to the property held by individual citizens of the United States in severalty, but to so much of the public domain and other property of the United States as was not the separate property of individuals, these liberated slaves, when they became citizens, did become entitled to equal rights and privileges as other American citizens.

If you look at the manner in which the Choctaw and Chickasaw Nations acquired their property, and if you consider that the improvements made thereon have been made by the labor of the African people in as large, if not a larger proportion, than by the labor of the native Choctaws and Chickasaws, you will see that there is not any injustice in giving to these persons of African descent, made free and made citizens, equal rights in all respects with the native Choctaw and Chickasaw people.

A failure to pass this bill will leave the treaty of 1866 unexecuted; will continue the Africans among the Choctaws and Chickasaws in their present unjust and disastrous situation, will preserve the strife, animosity, and disturbance incident to these relations, and therefore I cannot too earnestly or too urgently recommend the passage of the bill referred to, or some equivalent measure, during the present session of Congress.

I beg your careful and attentive consideration of this subject, and hope you will bring it before such of your colleagues as feel an interest in the welfare of these people, and that if you concur with me in this opinion you will endeavor to procure the passage of the measure referred to immediately.

I have the honor to be, very respectfully, your obedient servant,
C. DELANO, *Secretary*.

Hon. WILLIAM A. BUCKINGHAM,
Chairman Committee Indian Affairs, United States Senate.